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time already spent in custody for an undercharged term of imprisonment resulting from relevant conduct. He points to a case, *United States v. Dean*, No. 3:95-cr-00031-MOC, 2015 WL 5457847, 2015 U.S. Dist. LEXIS 123689 (W.D.N.C. Sept. 16, 2015), where the court allowed consideration of previously served state prison time under USSG § 5G1.3(c) while imposing a new sentence under Amendment 782 of the U.S. Sentencing Guidelines.

Unfortunately, the defendant is not entitled to Amendment 782 relief since he received a mandatory drug sentence and thus the rationale applied by the court in the *Dean* case is not available to him. This court cannot now revise his sentence to give him credit for the time requested, even in spite of USSG § 5G1.3(c). The misapplication of the sentencing guidelines does not normally amount to a miscarriage of justice that can be remedied on collateral review, years after the original sentence. *United States v. Mikalajunas*, 186 F.3d 490, 496 (4th Cir. 1999).

For these reasons, the Motion for Reconsideration (ECF No. 3395) is DENIED.

It is so **ORDERED**.

ENTER: August 23, 2016

/s/ James P. Jones
United States District Judge